

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  OFFICE OF CONSUMER ADVOCATE,  Complainant,  vs.  MCLEODUSA TELECOMMUNICATIONS, INC.,  Respondent.	DOCKET NO. FCU-03-1
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**ORDER ASSIGNING TO ADMINISTRATIVE LAW JUDGE**

(Issued February 4, 2004)

On January 3, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties against McLeodUSA Telecommunications, Inc. (McLeod), pursuant to Iowa Code § 476.103, for an alleged violation of the Board's slamming rules.

On February 12, 2003, McLeod filed a response and a motion to dismiss Consumer Advocate's petition.

On January 8, 2004, the Board issued an order docketing Consumer Advocate's petition as a formal proceeding, identified as Docket No. FCU-03-12, denying McLeod's motion to dismiss the petition, and requesting a status report from the parties.

On January 30, 2004, Consumer Advocate filed a status report stating only that it adheres to its previously-stated position. Also on January 30, 2004, McLeod filed a status report stating that since the Board's January 8, 2004, order, Consumer Advocate and McLeod have discussed a possible settlement in this matter. McLeod states that the parties cannot agree on terms of the settlement and have apparently reached a negotiation stalemate.

In the January 8, 2004, order, the Board determined that there is sufficient information to warrant further investigation in this matter. Since the parties have not yet been able to resolve this case, the Board will assign this matter to an administrative law judge (ALJ) for further proceedings pursuant to Iowa Code § 17A.11(1)"b" (2003) and 199 IAC 7.1(4). The ALJ will, among other things, set a hearing date, preside at the hearing, and issue a proposed decision.

**IT IS THEREFORE ORDERED:**

Pursuant to Iowa Code § 17A.11(1)"b" and 199 IAC 7.1(4), this docket is assigned to the Board's administrative law judge, Amy Christensen, to conduct a hearing and issue a proposed decision. The administrative law judge shall have the authority provided under 199 IAC 7.14"a" through "j."

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 4<sup>th</sup> day of February, 2004.